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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,939	11/03/2003	Hiroyuki Ishida	Q77928	5053
23373	7590	09/22/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			LEE, Y MY QUACH	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,939

Applicant(s)

ISHIDA, HIROYUKI

Examiner

Lee Y Quach

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/3/03 & 5/3/05</u> | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. The disclosure is objected to because of the following informalities: Page 11, paragraph 0051, line 8, the reference numeral "19b" is incorrect and it should be changed to --19a-- in view of drawing figure 8. Page 16, paragraph 0071, line 3, the reference numeral "30" is incorrect and it should be changed to --39-- in view of line 1 of the same paragraph and drawing figure 13.

Appropriate correction is required.

Claim Objections

3. Claims 3 to 5 and 7 to 11 are objected to because of the following formalities: In claim 3, line 3, there is no clear antecedent basis for "the optical axis". In claim 4, line 2, the relationship between "a lens" and "a lens" as recited on line 2 of claim 1 is missing. Shouldn't the language "said light emitting device comprises a lens" as recited on lines 1 to 2 of claim 4 be changed to --said optical system comprises said lens-- and the language "said light emitting device" as recited on line 6 of claim 4 be changed to --said optical system--. Also, in claim 4, line 2, the term "devices" is incorrect and should be changed to --elements--. Claim 5 depends on objected claim 4 and as such is also objected. In claim 7, line 6, the relationship between "a plastic lens" and "a lens" as recited on line 2 of the same claim is missing. Shouldn't the language "a lens" on line 2 of claim 7 be changed to "a plastic lens" and the language "a plastic lens" as recited on line 6 of claim 7 be changed to --said plastic lens--. Also, in claim 7, line 6, the language "each of" should be deleted in view of drawing figures 7 and 9. In claim 9, line 2, the term "devices" is incorrect and should be changed to --elements--. Also, in claim 9, line 6, it would appear that the term "said light emitting device" should be changed to --said optical system--. In claims 9 and 10, there are no clear antecedent bases for "said high and low beams", "said high beam" and "said low beam". Claim 8 and 11 depend on objected claim 7 and as such are also objected.

Appropriate correction is required.

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 to 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al.

Chen et al. show a vehicle headlamp (figures 7 to 10) comprising a semiconductor light emitting device having at least one semiconductor light emitting element (84, 84') for forming a first illuminating beam such as a high beam (column 7, line 18, column 6, line 60) and at least one semiconductor light emitting element (94, 66) for forming a second illuminating beam such as a low beam (column 7, line 20, column 6, line 61), the illuminating beams being switchable by selectively activating (column 6, lines 41 to 43) selected ones of the light emitting elements for forming the first and second illuminating beams, each of the light emitting elements having a horizontally elongated shape (figures 8 to 10) extending in a horizontal direction orthogonal to an optical axis of the light emitting device, a light distribution pattern being formed by expanding a light source image of the light emitting elements in the horizontal direction (figures 7 to 10, the light emitting elements horizontally mounted to provide a light distribution pattern expanding the image of the light emitting elements in a horizontal direction) with an optical system such as a lens (82).

6. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen et al.

Chen et al. show a vehicle headlamp (figures 7 to 10) comprising a semiconductor light emitting device having at least one semiconductor light emitting element (84) for forming a first illuminating beam (high beam, column 7, line 18) and at least one semiconductor light emitting element (94) for forming a second illuminating beam (low beam, column 7, line 20), the illuminating beams being switchable by selectively activating (column 6, lines 41 to 43) selected ones of the light emitting elements for forming the first and second illuminating beams, a plastic lens (82, column 6, lines 43 to 44) enveloping the light emitting elements, a base member (80) on

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which the light emitting elements are mounted with each of the light emitting elements being mounted at a position offset from an optical axis of the lens (figures 8 and 9, any light emitting elements that is not mounted at the optical axis of the lens), and each of the light emitting elements having a horizontally elongated shape (figure 8 to 10) extending in a horizontal direction orthogonal to an optical axis of the lens, a light distribution pattern being formed by expanding a light source image of the light emitting elements in the horizontal direction (figures 7 to 10, the light emitting elements horizontally mounted to provide a light distribution pattern expanding the image of the light emitting elements in a horizontal direction) with an optical system such as the lens.

7. Claims 4, 5 and 9 to 11 would be allowable if rewritten to overcome the objection set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Du et al. is cited to show other pertinent light emitting semiconductor elements for forming high and low beams being switchable by selectively activating ones of the light emitting elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is 571-272-2815.

Y. Q.
September 14, 2005


Y Quach Lee
Primary Examiner
Art Unit 2875

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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